



## MEETING OF THE TOWN BOARD

Town Board Room  
807 Mountain Avenue  
Town of Berthoud, Colorado  
Tuesday, October 23, 2018 6:30 p.m.

- I. REGULAR MEETING CALLED TO ORDER – Mayor Pro Tem Hindman Called into session 6:30 p.m.
- II. PLEDGE OF ALLEGIANCE – Mayor Pro Tem Hindman
- III. ROLL CALL – Mayor Pro Tem Hindman, Trustee Alaback Trustee Tomassi. Trustee Hardy, Trustee Dower and Trustee Laak were present. Mayor Karspeck was not present.
- IV. CITIZEN PARTICIPATION –

John Gutherie at 2142 Jones place stated that seven people attended the first Main Street meeting. They are expecting more in the future. There has been unanimous approval in the business community. The question is what is Down Town Berthoud going to be? We also need to look at housing for people with lower incomes.

David Mineo 965 5th Street came to speak about flight patterns over Berthoud. He passed out a hand-out that showed the flight patterns going over Berthoud. He would like to protect our soundscape in this beautiful, historic town that we all call home. He is asking the Board and Community for help in this. He stated that he has been talking to Mike McKee with the FAA.

Andrea Sutton at 2442 Tabor Street came to speak on concerns about ballot issues 3I, 3J, and 3K. She felt that the ballot issues have not been explained enough for the public to understand what they are voting on. She wanted to see more communication being sent out.

## V. SCHEDULED ITEMS

1. Consent Agenda
  - a) Approval of October 23, 2018 Agenda
  - b) Approval of Minutes: October 09, 2018

Trustee Laak Motioned to combine and approve the items on the Consent Agenda. Trustee Tomassi Seconded the Motion. WITH ALL IN FAVOR THE MOTION CARRIED.

### 2. Heritage Ridge 6th Filing Development Plan and Final Plat

Curt Freese presented that the applicant is proposing an 18-lot final plat (Filing 6) and an amended Final Development Plan (FDP) for the Eastern half of the Heritage Ridge development. For new commissioners, Heritage Ridge is approved as a PUD, or planned unit development. In the Development Code update of 2012, PUD's were eliminated from the Code, but existing PUD's could retain their vested rights. As such, the process is slightly different, as it involves setting development standards (density, setbacks, etc.) with each FDP. In total, the proposed Final Development Plan consists of 212 single family lots, and 117.92 acres with a 10.21-acre lot reserved for future single-family attached/townhouses/multi-family up to six-plex. In addition, there are 19.89 acres reserved for open space and detention (subtracting the detention areas which cannot be counted as open space in the code, the project has well over the required 7% open space), and 2.43 acres of park area, including a clubhouse (found on the FDP) to be maintained by the Metro Association; the combined total amounts to 16.87% of this FDP filing. The overall approved density for Heritage Ridge was 496 dwelling units. With the addition of these 18 lots, the applicant would be at 456 dwelling units (40 lots under the approved total) for the entire Heritage Ridge development. The Final Plat for Filing 6 comprises 18 lots and 8.41 acres. Staff has held up Filing 6 from going forward, as the entire property was in the floodplain. This application is now moving forward as the Applicant's CLOMAR (essentially a flood plain map revision taking the property out of the floodplain) was approved by the Army Corps of Engineers last month.

Kristen Turner from the TB Group came up and answered questions from the board and the citizens. There were questions about types of trails being used especially along the rail road tracks and detention ponds becoming cesspools for mosquitos. Kristen and Ken Mitchell who represents them also replied. Kristen stated that there would be a crusher fines a material being used. Which brought up ADA compliance. The material they are using is ADA compliant. Ken Mitchell replied to the

detention ponds stating they are meant to hold water and that they have sprayed for mosquitos. Tony who handles the erosion control stated that higher erosion potential will have higher erosion control. They have someone who inspects and someone who goes out and fixes the problems.

**Trustee Tomassi Motioned to approve the Heritage Ridge Final Development Plan. Trustee Dower Seconded the Motion. WITH ALL IN FAVOR THE MOTION CARRIED.**

**Trustee Tomassi Motioned to approve the Heritage Ridge Final Plat for Filing 6. Trustee Dower Seconded the Motion. WITH ALL IN FAVOR THE MOTION CARRIED.**

### **3. Heron Pointe Lot B Preliminary Plat**

Curt Freese introduced The Applicant, is requesting preliminary plat approval for roughly 16.85 acres to create five (5) commercial out-lots along Berthoud Parkway, and a multi-family lot proposed for 142 multi-family units. The applicant has submitted a concept plan of the overall design for the Board's review (but no longer approval with the text amendments approved in September). After Preliminary Plat approval, the applicant will be required to submit a Final Plat before the lots are created. After Final Plat approval, the Commercial out-lots and the Multi-family lot will be reviewed and approved administratively; i.e. the commercial site plans and the apartment site plan will be approved by Staff. Therefore, the details of the commercial lots and multi-family lot will not be brought back to the Board or PC, and concerns with design etc. should be handled at this phase of the process.

Steve Steinbicker Agent for Heron Pointe stated that there would be flashing crosswalk signs and that the pedestrians would stop in the middle island before proceeding to the other side at County Road 17. He also mentioned that they have more than the required open space and that there is a demand for cheaper housing.

The board and community had great concerns over pedestrian safety over county Road 17. The community that lives around the area had big concerns over the detention ponds that already exist not being maintained and the park now that is being used is too small.

Mayor Pro-Tem Hindman asked that this matter be set for the next Board Meeting on November 13, 2018; because there are still a lot of questions and they need time to process the information that has been presented. Public comment will still be taken at the next board meeting on November 13, 2018. The rest of the Board agreed with Mayor Pro-Tem Hindman that there were still too many questions. They also agreed that this would give staff and the developer time to address the concerns they had, and the public had in this matter.

**Trustee Tomassi made a Motion to Continue the Heron Pointe Lot B Preliminary Plat to November 13, 2018. Trustee Hardy seconded the Motion. WITH ALL IN FAVOR THE MOTION CARRIED.**

### **4. Construction Site Maintenance Ordinance, 1st Reading**

Ordinance 1254 An ordinance of the Town of Berthoud amending Chapter 30, Section 5 of the Development Code of the Town of Berthoud, for the purposes of amending and revising the development code.

Curt Freese introduced stating with Berthoud experiencing record growth, issues related to construction have risen to the surface. Town Staff field numerous complaints from citizens related to construction starting times, trash and debris, noise, drainage, and building material storage. Staff has also observed many of the same issues, and currently is very limited in its powers to mitigate these issues due to the lack of any specific construction rules and regulations. The proposed construction rules and regulations would provide general rules for construction that Staff believes are fair to both citizens and the builders and set a high standard for development.

After the board heard Curt's presentation and asked their questions. The Board directed staff to have a better definition regarding what is loud. They wanted the times to be clearly defined as Monday through Friday 7a.m. to 7p.m. or Sunset whichever is sooner. Saturday is 8a.m. to 7p.m. or Sunset whichever is sooner. Then Sunday 9a.m. to 4p.m.

This will come back to the board on November 13, 2018.

## **VI. ELECTED OFFICIAL REPORTS (Came before executive session to allow board to adjourn from executive session.)**

Trustee Alaback reported that he went to the Open house for Larimer County Open Space. They are looking at changing the fee schedule for all the open space to pay for the expenses. Please write Gary Buffington with Larimer County Natural Resources they would like the public input. There was a question on Dark Sky. There is no Dark Sky Ordinance with Larimer, but their position is to keep lighting at a minimal and they have to address safety concerns.

Trustee Tomassi reported Chamber of Commerce is getting ready for Snow Fest. He would like to see the Town of Berthoud to Team up with the Chamber. There are eight sculpting teams that are currently signed up. It has been a big draw with everyone coming from all over the state. He would like to see the Town of Berthoud to leverage from that.

Trustee Dower did not have anything to report. However, she did talk to Longmont Parks and Rec asking how they have litigated issues using detention areas for different uses and being concern with potential contamination with run-off. She is waiting for a response back.

Trustee Hardy had nothing to report.

Trustee Laak had nothing to report.

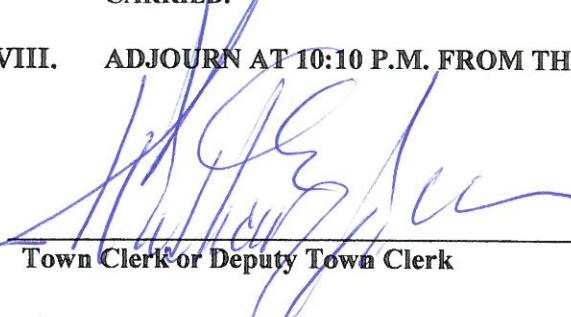
Attorney Bell reported that Bargain Storage has filed an Appeal with district court. Attorney Bell suggested that we add some language to our code concerning use by right.

Mayor Pro-Tem Hindman had no report. He attended the We Love the Funk panel discussion, which he was a sponsor of the event. It was a stimulating and interesting. He also went and saw a movie called Urbanized and would like to have a joint meeting of the Planning Commission and the Board.

## VII. EXECUTIVE SESSION

Trustee Tomassi Motioned to move into Executive Session Pursuant to: C.R.S. § 24-6-402(4)(e)(I) I. to discuss the purchase, acquisition, lease, transfer, or sale of real, personal or other property interest. And the following details are provided: Dog Park Lease and Potential Acquisition of Property. Trustee Laak Seconded the Motion. WITH ALL IN FAVOR THE MOTION CARRIED.

## VIII. ADJOURN AT 10:10 P.M. FROM THE EXECUTIVE SESSION



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Town Clerk or Deputy Town Clerk



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Mayor Pro Tem Hindman